

Remarks

Claims 1-33 are pending in this application. By this paper, Applicant has amended claim 3, cancelled claims 32 and 33, and added claim 34. Applicant submits that claim 34 is well supported in the original specification, and thus does not constitute new matter.

Claim 3 has been amended pursuant to a telephonic interview of April 28, 2003 between Applicant's representative and the Examiner to more clearly define Applicant's invention and to overcome any prior art rejections. In lieu of this, claim 3 is now believed to be patentable for the following reasons.

Rejection of Claims 3 and 4 Under 35 U.S.C. § 102(b) in View of *Tobin, Jr.*

The Examiner has rejected claims 3 and 4 under 35 U.S.C. § 102(b) as being anticipated by *Tobin, Jr.* (U.S. Patent No. 3,389,952). Pursuant to the telephone interview, Applicant has amended claim 3 to more clearly define that which is the driver's blindzone and to explain that the driver's field of view when looking into the auxiliary mirror is primarily limited to the defined blindzone. In particular, the auxiliary mirror of the present invention is shaped and positioned for viewing primarily only the region defined by the acute angle between the rearward limit of the driver's peripheral vision when looking at the automotive mirror and the outermost limit of the driver's field of view when looking into the main viewing mirror. This novel mirror design minimizes the amount of visual information obtained from the auxiliary mirror to primarily only objects that are within the driver's blindzone. *Tobin, Jr.*, on the other hand, merely discloses a convex portion that is one-half of a spherical segment. The convex mirror of *Tobin, Jr.* is shaped and positioned so that the image of a vehicle that moves into the driver's blindzone appears in the convex mirror. However, the convex mirror in *Tobin, Jr.* fails to restrict the field of view to primarily only the driver's blindzone as defined in claim 3 of the present invention. Consequently, extraneous visual information also appears in the convex mirror interfering with the driver's ability to make a

quick determination as to whether or not that object is legitimately within the driver's blindzone. Applicant's invention, on the other hand, largely eliminates any extraneous visual information allowing a driver to objectively determine whether or not a vehicle is in his blindzone.

Further, *Tobin, Jr.* also fails to disclose a means for selectively varying the intensity of the reflection from at least a reflective portion of said mirror assembly through an electrically modifiable medium. More specifically, *Tobin, Jr.* fails to teach a mirror that changes its optical transmission in response to an applied electric field or current to variably control the mirror's reflectivity, such as in mirrors having electrochromics, liquid crystals, or the like as described within the specification of the present invention. The Examiner points Applicant's attention to indicia strip 40 of the *Tobin, Jr.* invention as being a means for selectively varying the intensity of reflection. Applicant believes the Examiner has improperly characterized *Tobin, Jr.*'s indicia strip 40 as a means for selectively varying the intensity of reflection of a mirror. Nonetheless, Applicant has further amended claim 3 to provide for selectively varying the intensity of reflection through an electrically modifiable medium. As such, claim 3 is clearly not anticipated by *Tobin, Jr.* since no electronically modifiable medium exists.

Rejection of Claims 3 and 4 Under 35 U.S.C. § 102(b) in View of McColgan

The Examiner has rejected claims 3 and 4 under 35 U.S.C. § 102(b) as being anticipated by *McColgan et al.* (U.S. Patent No. 5,557,467). Again, pursuant to the telephonic interview with the Examiner in April 28, 2003 and the corresponding amendment contained herein, Applicant believes claims 3 and 4 are clearly patentable over *McColgan*. While Applicant's invention is limited to primarily blindzone only, *McColgan* teaches a panoramic mirror providing a much wider rearward field of vision that overlaps to both sides of the natural peripheral vision of most drivers, and also facilitates the observation of backseat passengers. The *McColgan* reference clearly teaches an auxiliary mirror shaped and positioned to do much more than primarily only view a vehicle located in a driver's blindzone, as defined

by claim 3 of the present invention. Thus, Applicant believes *McColgan* fails to anticipate the present invention.

Moreover, *McColgan* fails to teach an automotive mirror capable of selectively varying the intensity of reflection through an electronically modifiable medium. *McColgan* is merely a prismatic mirror capable of varying the intensity of reflection, but only by manually operating a mechanical lever. Therefore, *McColgan* also does not anticipate the present invention for this reason.

With regard to claim 4, *McColgan* fails to teach or disclose an auxiliary mirror located in an upper and outer quadrant of the automotive mirror. In the present invention, this is ideal to allow the mirror assembly to meet the requirements of Federal Motor Vehicle Safety Standard 111 (FMVSS 111). In addition, locating the auxiliary mirror in such a way maintains the flow of the image of an approaching vehicle across the mirror assembly from right to left (see Figs. 9 and 10a-10d).

Rejection of Claims 3 and 4 Under 35 U.S.C. § 102(b) in View of Kanazawa

The Examiner has rejected claims 3 and 4 under 35 U.S.C. § 102(b) as being anticipated by *Kanazawa* (U.S. Patent No. 5,796,532). Applicant believes that an amended claim 3 also overcomes the *Kanazawa* rejection because *Kanazawa* fails to teach an auxiliary mirror being shaped and positioned for primarily only viewing objects in a driver's blindzone as defined in claim 3. Furthermore, *Kanazawa* does not disclose any means for selectively varying the intensity of reflection through an electrically modifiable medium. Instead, *Kanazawa* merely provides a dividing line 56 which incorporates a light diffusion effect. Much like the indicia strip 40 of the *Tobin, Jr.* patent, dividing line 56 merely distinguishes the two different mirror sections from each other. Accordingly, *Kanazawa* fails to anticipate the teachings of the present invention.

Rejection of Claims 3 and 4 Under 35 U.S.C. § 102(e) in View of *Mou*

The Examiner has rejected claims 3 and 4 under 35 U.S.C. § 102(e) as being anticipated by *Mou* (U.S. Patent No. 6,199,993). Similar to *Tobin, Jr.* and *Kanazawa*, *Mou* fails to disclose a means for selectively varying the intensity of reflection through an electrically modifiable medium. Further, the auxiliary mirror disclosed in *Mou* integrates an arc-surface wide-angle mirror to eliminate blind spots by widening the rearward field of vision of the driver. On the other hand, Applicant's invention provides an auxiliary mirror shaped and positioned to view specifically the driver's blindzone, rather than the much wider field of view provided for in *Mou*, only a portion of which encompasses the driver's blindzone. *Mou* requires an additional determination of whether a vehicle viewed in the auxiliary mirror is actually in the driver's blindzone, whereas according to the present invention, such a determination is unnecessary because the image of a vehicle in the auxiliary mirror indicates that the vehicle is in the driver's blindzone with greater certainty. Accordingly, *Mou* cannot be said to anticipate Applicant's invention.

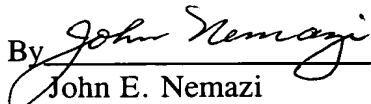
Conclusion

In view of the foregoing, Applicant respectfully requests that the Examiner withdraw the 35 U.S.C. § 102(b) and (e) rejections of independent claim 3. Claim 4 is a dependent claim, depending from claim 3, and is also believed to be patentable as a result of this dependency. Moreover, added claim 34 is also a dependent claim believed to be patentable on its own, in addition to as a result of its dependency.

Applicant believes all formal and substantive requirements for patentability have been met and that this case is in condition for allowance, which action is respectfully requested.

Respectfully submitted,

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